



NEW YORK  
CITY BAR

DEBRA L. RASKIN  
**PRESIDENT**  
PHONE: (212) 382-6700  
FAX: (212) 768-8116  
draskin@vladeck.com

June 27, 2014

His Excellency Yoweri Museveni  
President of Uganda  
State House Nakasero  
P.O. Box 24594  
Kampala, Uganda

Dear President Museveni:

We are writing to express our grave concern regarding media reports of torture, denial of access to legal counsel and medical care, and arbitrary deprivation of life that allegedly occurred and may be ongoing in and around Kampala, Uganda, in recent weeks. We call on you to exercise your authority and responsibility under Ugandan and international law immediately and fully to investigate these reports and ensure the cessation of all ongoing human rights violations and the prosecution under law of all individuals implicated in such violations, whether directly or indirectly.

The Association of the Bar of the City of New York, founded in 1870, is an independent non-governmental organization with more than 24,000 members in over 50 countries. Its mission is to harness the expertise of the legal profession to identify and address legal and public policy issues in ways that promote law reform, ethics and the fair and effective administration of justice, and respect for the rule of law at home and abroad. The City Bar has a long history of dedication to human rights, particularly through its Committee on International Human Rights, which investigates and reports on human rights conditions around the world, and The Cyrus R. Vance Center for International Justice, which strengthens democratic transition by engaging lawyers across borders to advance fundamental justice in countries undertaking legal and institutional reform. In addition, the City Bar's African Affairs Committee closely monitors rule of law developments in Africa.

We refer to numerous media reports,<sup>1</sup> which we have determined through independent inquiry to be credible, of the arrest of military personnel and civilians in and around Kampala, Uganda, at

---

<sup>1</sup> See, e.g., [http://www.observer.ug/index.php?option=com\\_content&view=article&id=32350:-updf-denies-killing-suspect&catid=34:news&Itemid=114](http://www.observer.ug/index.php?option=com_content&view=article&id=32350:-updf-denies-killing-suspect&catid=34:news&Itemid=114) and <sup>1</sup> <http://chimpreports.com/index.php/mobile/special-reports/crime-investigation/20500-kabamba-barracks-attackers-speak-out.html>

the end of May and beginning of June 2014.<sup>2</sup> These reports recount that the arrested individuals suffered several gross violations of their rights under the Ugandan constitution and international law, including torture, denial of access to legal counsel and in the case of Captain John Bosco Lutwama<sup>3</sup> and perhaps others, arbitrary deprivation of life.

The credible media reports present facts that, if true, constitute clear and highly serious violations of Ugandan and international law. Article 22 of the Ugandan constitution provides that “No person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a court of competent jurisdiction in respect of a criminal offence under the laws of Uganda and the conviction and sentence have been confirmed by the highest appellate court.” The reported death of Captain Lutwama, as a result of arbitrary detention, torture, and the denial of adequate medical care, clearly violated this provision. The denial of reasonable access to the detainees by their lawyers and family members violates Article 23.5.b, which guarantees detainees reasonable access to their families, attorneys, and medical personnel. The infliction of torture on the detainees violates Article 24, which prohibits the infliction of any form of torture, cruel or inhuman treatment. The detainees’ right to a fair hearing, guaranteed by Article 28, also appears to have been violated.

The alleged events would also breach Uganda’s obligations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Uganda on November 3, 1986, which obligates a state party to take “effective legislative, administrative, judicial or other measures to prevent acts of torture.” Article 12 requires a state party “to ensure that its competent authorities proceed to a prompt and impartial investigation” in every instance where “there is reasonable ground to believe that an act of torture has been committed.” The torture and death of Captain Lutwama would clearly violate Uganda’s obligations under this Convention. The apparent efforts of the Ugandan authorities to conceal the government’s acts of torture by preventing the detainees access to their families and counselors and the apparent efforts of Ugandan authorities to prevent an investigation of the allegations of torture, including by preventing an autopsy of Captain Lutwama before his burial, both also reported to us, also would violate Article 12.

In addition, the International Covenant on Civil and Political Rights, adopted by Uganda on June 21, 1995, in Article 6.1, protects all individuals against the arbitrary deprivation of life. Article 7 of this Covenant explicitly prohibits torture. Article 10.1 sets out the right of all detained persons to be treated “with humanity and with respect for the inherent dignity of the human person.” This clause would be violated not only by the acts of torture that have apparently taken place but also by the deplorable conditions in which some of the detainees were allegedly held.<sup>4</sup> Article 14.3.b guarantees every detainee the right “to communicate with counsel of his own choosing.” This right appears to have been systematically violated by the Ugandan authorities,

---

<sup>2</sup> We refer as well to recent media reports of the arbitrary arrest, torture, and denial of access to counsel and medical care of a Special Forces Command soldier apparently in retaliation for raising concerns about a controversial procurement of drugs by army officials. See

[http://www.observer.ug/index.php?option=com\\_content&view=article&id=32350:-updf-denies-killing-suspect&catid=34:news&Itemid=114](http://www.observer.ug/index.php?option=com_content&view=article&id=32350:-updf-denies-killing-suspect&catid=34:news&Itemid=114)

<sup>3</sup> <http://chimpreports.com/index.php/mobile/special-reports/crime-investigation/20500-kabamba-barracks-attackers-speak-out.html>

who have repeatedly and arbitrarily prevented the detainees from communicating with their counsel.

The African Charter on Human and Peoples' Rights, which Uganda adopted on August 18th 1986, also protects the life and integrity of individuals in Article 4, and expressly prohibits torture, in Article 5.

We respectfully urge that you immediately investigate the allegations referred to above and take all such steps as may be necessary to ensure that the detainees are allowed access to their lawyers and to medical care, that the conditions of their detention conform to international standards, including protection against the infliction or threat of torture, that they promptly be given a fair judicial hearing, and that Captain Lutwama's body be exhumed so that an autopsy can be performed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Debra L. Raskin".

Debra L. Raskin

cc:

Hon. Kahinda Otafire  
Minister of Justice and Constitutional Affairs  
Plot 1 Parliament Avenue  
Queens Chambers  
P.O. Box 7183  
Kampala, Uganda  
Fax: 256-41-254-829  
E-mail: [mojca@africaonline.co.ug](mailto:mojca@africaonline.co.ug)

Hon. Simon Lokodo  
Minister of State for Ethics and Integrity  
Directorate for Ethics and Integrity  
Office of the President  
P.O. Box 7142  
Kampala, Uganda  
Fax: 256-41-434-3177  
E-mail: [info@dei.go.ug](mailto:info@dei.go.ug)

Hon. Med S.K. Kaggwa  
Chairperson  
Uganda Human Rights Commission  
Plot 20/22/24 Buganda Road  
P.O. Box 4929, Kampala  
Fax: 0414-255261  
E-mail: [uhrc@uhrc.ug](mailto:uhrc@uhrc.ug)

Hon. Dr. Richard Nduhuru  
Permanent Representative of the Republic of Uganda to the United Nations  
336 East 45 Street  
New York, NY 10017  
Fax: 1-212-687-4517  
E-mail: [ugandaunny@un.int](mailto:ugandaunny@un.int)

Hon. Commissioner Navanethem Pillay  
High Commissioner  
Office of the United Nations High Commissioner for Human Rights (OHCHR)  
Palais des Nations  
CH-1211 Geneva 10, Switzerland  
E-mail: [NPillay@ochr.org](mailto:NPillay@ochr.org)

Hon. Commissioner Dupe Atoki  
Chairperson of the African Commission on Human and People's Rights  
No. 31 Bijilo Annex Layout  
Kombo North District  
Western Region  
P.O. Box 673  
Banjul, The Gambia  
Fax: +220-441-05-04  
E-mail: [achpr@achpr.org](mailto:achpr@achpr.org)